

105TH CONGRESS  
1ST SESSION

# H. R. 2612

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1997

Mr. EHLERS (for himself, Mr. COBLE, and Mr. HOEKSTRA) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING**  
4 **CITIZENS BAND RADIO EQUIPMENT.**

5 Section 302 of the Communications Act of 1934 (47  
6 U.S.C. 302a) is amended by adding at the end the  
7 following:

1       “(f)(1) Except as provided in paragraph (2), a State  
2 or local government may enforce the following regulations  
3 of the Commission under this section:

4           “(A) A regulation that prohibits a use of citi-  
5 zens band radio equipment not authorized by the  
6 Commission.

7           “(B) A regulation that prohibits the unauthor-  
8 ized operation of citizens band radio equipment on  
9 a frequency between 24 MHz and 35 MHz.

10       “(2) Possession of a station license issued by the  
11 Commission pursuant to section 301 in any radio service  
12 for the operation at issue shall preclude action by a State  
13 or local government under this subsection.

14       “(3) The Commission shall provide technical guid-  
15 ance to State and local governments regarding the detec-  
16 tion and determination of violations of the regulations  
17 specified in paragraph (1).

18       “(4)(A) In addition to any other remedy authorized  
19 by law, a person affected by the decision of a State or  
20 local government enforcing a regulation under paragraph  
21 (1) may submit to the Commission an appeal of the deci-  
22 sion on the grounds that the State or local government,  
23 as the case may be, acted outside the authority provided  
24 in this subsection.

1       “(B) A person shall submit an appeal on a decision  
2 of a State or local government to the Commission under  
3 this paragraph, if at all, not later than 30 days after the  
4 date on which the decision by the State or local govern-  
5 ment becomes final.

6       “(C) The Commission shall make a determination on  
7 an appeal submitted under subparagraph (B) not later  
8 than 180 days after its submittal.

9       “(D) If the Commission determines under subpara-  
10 graph (C) that a State or local government has acted out-  
11 side its authority in enforcing a regulation, the Commis-  
12 sion shall reverse the decision enforcing the regulation.

13       “(5) The enforcement of a regulation by a State or  
14 local government under paragraph (1) in a particular case  
15 shall not preclude the Commission from enforcing the reg-  
16 ulation in that case concurrently.

17       “(6) Nothing in this subsection shall be construed to  
18 diminish or otherwise affect the jurisdiction of the Com-  
19 mission under this section over devices capable of interfer-  
20 ing with radio communications.”.

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